

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

LEE L. WONG,

Plaintiff,

vs.

PORTFOLIO RECOVERY
ASSOCIATES, LLC

Defendant.

NO.

**COMPLAINT FOR VIOLATIONS OF 15
U.S.C. § 1692 ET SEQ., RCW CHAPTERS
19.16 AND 19.86 ET SEQ.,**

COME NOW Plaintiff, Lee L. Wong, by and through counsel, who alleges:

I. PARTIES AND JURISDICTION

1. Plaintiff Lee L. Wong is an individual who resides in Washington State.

2. Defendant Portfolio Recovery Associates, LLC ("PRA"), a Washington Limited Liability Company, UBI # 603 095 769, is a debt collector and collection agency doing business in Washington, and who repeatedly attempted to collect an alleged debt from the Plaintiff. PRA's registered agent is Corporation Service Company, 300 Deschutes Way SW Suite 208 MC-CSC1, Tumwater, WA 98501.

3. Jurisdiction over Defendant is proper as Defendant is doing business in

Complaint - 1

ANDERSON | SANTIAGO
787 MAYNARD AVE S
SEATTLE WA 98104
(206) 395-2665/F (206) 395-2719

1 Washington State and venue is appropriate in King County, Washington.

2 **II. FACTS**

3 4. On or about June 29, 2019, Plaintiff Lee Wong received a packet of documents
4 from Defendant PRA.

5 5. Included in the packet were the following: an application for writ of garnishment,
6 a writ of garnishment issued by Defendant, an exemption claim form (which was missing several
7 pages and only contained the first page), and a copy of a default judgment from June 2015. A
8 copy of the documents that Mr. Wong received is attached as **Exhibit A**.

9 6. The packet was extremely confusing to Mr. Wong for several reasons.

10 7. First, it was the first he had learned of the judgment against him, or that the case
11 had even been filed against him.

12 8. Second, the packet included an application for a writ of garnishment, so it
13 appeared as if PRA was requesting that the district court issue a writ of garnishment. However,
14 on the writ itself, PRA stated that it was entity issuing the garnishment, and that Mr. Wong
15 would have to treat it as if it was issued by the district court judge. Thus, it was confusing as to
16 whether the garnishment was already pending, or PRA was simply requesting one from the
17 Court.

18 9. Third, PRA only included the first page of the exemption form, which instructed
19 him to on how to fill out the form. However, the rest of the form was missing, so there was no
20 way to follow the instructions. PRA's failure to include the entire form is contrary to RCW
21 6.27.140, which requires that the statute's entire form be observed.

22 10. Finally, Mr. Wong wondered why PRA and its attorney would contact him at all.
23 Mr. Wong had retained counsel in May 2019 for another case in which PRA had sued him (that

1 case was later dismissed after Mr. Wong successfully moved for summary judgment). The same
2 attorney represented PRA in both matters, and the packet Mr. Wong received in this case came
3 from the same attorney that had already been working with Mr. Wong's.

4 11. Stated simply, PRA and its attorney contacted Mr. Wong directly even though
5 they both knew he was represented by counsel.

6 12. While Plaintiff received the writ, a review of the district court's records reveals
7 that PRA failed to follow the statutory requirements of serving such writ. If a garnishment is
8 served on a judgment debtor by mail, the person making the mailing shall file an affidavit
9 including the same information as required for return on service and, in addition, showing the
10 address of the mailing and attaching the return receipt. RCW 6.27.130(3). PRA never filed such
11 an affidavit.

12 13. However, PRA made sure to file its garnishment paperwork with the Court, and
13 send it to Mr. Wong's bank (Wells Fargo) prior to sending the documents to Mr. Wong. On June
14 28, 2019, the district court rejected PRA's filing for various procedural deficiencies.

15 14. Thus, its application for writ had been rejected, and the court sent notice to PRA.
16 A copy of the notice is attached as **Exhibit B**.

17 15. PRA took absolutely no action after receiving the rejection, and on July 3, 2019,
18 Wells Fargo bank filed an Answer to the writ of garnishment. Wells Fargo stated that it had
19 \$2,590.17 of Mr. Wong's money, and proceeded to place a hold on those funds.

20 16. Despite its writ being rejected, and receiving Wells Fargo's answer to the writ,
21 PRA did nothing. Thus, Wells Fargo has held Mr. Wong's \$2,590.17 for over ten months based
22 on PRA's inaction.

23 17. This is extremely stressful to Mr. Wong, who works as a cook in a Bellevue

1 restaurant. The amount of money held because of PRA's actions, and inaction, represented a
2 significant amount of money to him.

3 18. As a final blow to Mr. Wong, who has been directly and significantly impacted by
4 Governor Inslee's "stay home, stay healthy" initiative, he has been unable to match his prior
5 income. On April 14, 2020, Governor Inslee issued Proclamation 20-49 in which he specifically
6 waived and suspended RCW 6.27.080(2) and (3), which authorize the garnishment of bank
7 accounts.

8 19. Despite this proclamation, specifically designed to help people like Mr. Wong to
9 minimize the "risk of life, health, and safety of people who are impacted by the economic
10 downturn throughout Washington State and are unable to pay for basic household needs," PRA
11 made no effort to release the funds being held by Wells Fargo.

12 20. As a result of Defendant's actions detailed above, Plaintiff has incurred expenses
13 in seeking and retaining counsel in connection with ascertaining his legal rights and
14 responsibilities, on information and belief, has suffered damaged credit, and has suffered
15 financial uncertainty, unease, and distress caused by the false, improper, and confusing nature of
16 the collection efforts.

17 **III. CAUSES OF ACTION**

18 **GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS**

19 21. With respect to the alleged debt, Plaintiff is a consumer as defined by 15 U.S.C. §
20 1692a(3) and Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6).

21 22. With respect to the alleged debt, Plaintiff is a "debtor" as defined by RCW
22 19.16.100(7) and Defendant is a collection agency as defined by RCW 19.16.100(4).

23 23. For claims arising under the Fair Debt Collection Practices Act, such claims are

1 assessed using the “least sophisticated debtor” standard. *Guerrero v. RJM Acquisitions LLC*, 499
 2 F.3d 926, 934 (9th Cir. 2007).

3 **Count 1 (and all subcounts)**

4 24. A debt collector may not use any false, deceptive, or misleading representation or
 5 means in connection with the collection of any debt. 15 U.S.C. § 1692e. This includes the false
 6 representation of the character, amount, or legal status of a debt (§ 1692e(2)), the threat to take
 7 any action which cannot be legally taken (§ 1692e(5)); the false representation of information to
 8 others (§ 1692e(8)); or the use of any false representation or deceptive means to collect or
 9 attempt to collect a debt (§ 1692e(10)).

10 25. Defendant used false, deceptive, or misleading representations or means in
 11 connection with the collection of an alleged debt when it:

- 12 a. Simultaneously represented to Plaintiff that there was an application for writ of
- 13 garnishment to the district court and that a writ was being issued by PRA;
- 14 b. Only provided a partial form for exemption as required under RCW 6.27.140;
- 15 c. Failed to follow the requirements of mail service of garnishments, thus voiding
- 16 the garnishment process pursuant to RCW 6.27.130(3). Yet, PRA continues to
- 17 falsely and misleadingly represent that it has the right to have Wells Fargo hold
- 18 funds on its behalf.

19 26. Therefore, Defendant violated 15 U.S.C. § 1692e, and/or its subsections, on
 20 numerous occasions.

21 **Count 2 (and all subcounts)**

22 27. A debt collector may not use unfair or unconscionable means to collect or attempt
 23 to collect any debt. 15 U.S.C. § 1692f.

28. Plaintiff realleges paragraph 25 *supra*, as constituting unfair and unconscionable means to collect a debt.

29. Additionally, it was unfair and unconscionable to fail to take any action to release the garnished funds with Wells Fargo when:

- a. The district court rejected PRA's application for a writ of garnishment, and;
- b. Governor Inslee's proclamation waived and suspended all bank garnishments.

30. It was also unfair and unconscionable for PRA to fail to release the garnish funds when it failed to follow the requirements of RCW 6.27.130(3), thus voiding its garnishment process.

31. In summary, Defendant therefore violated 15 U.S.C. § 1692f and/or § 1692f(1) on at least eight (8) occasions.

Count 3

32. A debt collector may not communicate with a consumer in connection with the collection of any debt if the debt collector knows the consumer is represented by an attorney with respect to such debt, and has knowledge of, or can readily ascertain, such attorney's name and address. 15 U.S.C. § 1692c(a)(2).

33. Here, PRA was aware that Mr. Wong was represented by counsel, but sent a letter directly to him.

34. Therefore, Defendant violated 15 U.S.C. § 1692c(a)(2).

GENERAL ALLEGATIONS APPLICABLE TO ALL CPA CLAIMS

35. Violations of RCW 19.16.250 are per se violations of the Consumer Protection

1 Act (“CPA”), RCW chapter 19.86.¹ See RCW 19.16.440. RCW 19.86.090 provides for treble
2 damages (to a limit of \$25,000) and attorney’s fees.

3 36. Because RCW Chapter 19.16 is enforced through RCW 19.86 *et seq.*, the below
4 counts alleging violations of RCW Chapter 19.16 are therefore CPA violations.

5 37. Even minimal or nominal damages constitute “injury” under the CPA. *Panag*,
6 166 Wn.2d at 57. A plaintiff need not prove any monetary damages at all, as even
7 “unquantifiable damages” suffice to establish “injury” for purposes of the CPA. *Id.* (citing
8 *Nordstrom, Inc. v. Tampourlos*, 107 Wn.2d 735, 740 (1987)).

9 **Count 4**

10 38. A collection agency shall not communicate with the debtor after notification from
11 an attorney representing such debtor that all further communications relative to a claim should be
12 addressed to the attorney. RCW 19.16.250(12).

13 39. Again, here, PRA was aware that Mr. Wong was represented by counsel, but sent
14 a letter directly to him.

15 40. Therefore, Defendant violated RCW 19.16.250(12).

16 **Count 5 – Injunctive Relief**

17 41. A plaintiff may seek injunctive relief for violations of the Consumer Protection
18 Act. RCW 19.86.090.

19 42. Plaintiff does seek injunctive relief from this Court which would enjoin
20 Defendant from collecting debts in the manner described above from both Plaintiff and any other
21 person similarly situated. *Scott v. Cingular Wireless*, 160 Wn. 2d 843, 853 (2007).

22
23 ¹ See *Panag v. Farmers Ins. Co. of Wash.*, 166 Wn.2d 27, 53 (2009) (“Consumer debt collection is a highly regulated field. When a violation of debt collection regulations occurs, it constitutes a per se violation of the CPA...”).

43. Specifically, Plaintiff seeks an injunction prohibiting Defendant from its unlawful collection tactics, including but not limited to communicating directly with debtors represented by counsel, unjustifiably keeping debtors from having access to funds in their own bank account, and failing to follow the clear and simple rules outlined for garnishments in RCW 6.27.

44. Plaintiff has reason to believe these actions may constitute a pattern and practice of behavior and have impacted other individuals similarly situated.

45. Injunctive relief is necessary to prevent further injury to Plaintiff and to the Washington public as a whole.

46. Injunctive relief should therefore issue as described herein.

Count 6 – Consumer Protection Act Violation

47. Defendant engaged in unfair and deceptive practices with Plaintiff regarding the collection of money from Plaintiff, including but not limited to:

48. Defendant's actions as described herein occurred in trade and/or commerce, as Defendant was attempting to collect money allegedly owed for services that were allegedly provided.

49. The actions of Defendant impacts the public interest, as collection (RCW 19.16) and garnishments (RCW 6.27) are extremely common and governed by the revised code of Washington, a collection agency's behavior is governed by RCW 19.16 et seq.,² and the governor saw fit to expressly stop garnishments by virtue of a proclamation. Defendant's actions further impact the public interest because they had or have the capacity to injure others in the same way and/or actually injured others in the same way.

² "The business of debt collection affects the public interest." *Panag v. Farmers Ins. Co. of Washington*, 166 Wn.2d 27, 54 (2009)

1 49. Plaintiff was injured by the actions of Defendant in that their actions caused, at
2 minimum:

- 3 a) Damaged credit.
4 b) Plaintiff to seek out and retain counsel.
5 c) Plaintiff to take time away from work and other revenue generating activities to
6 deal with an alleged debt that was nonexistent.
7 d) The loss of use of \$2,590.17 for at least ten months.

8 50. Plaintiff's injuries would not have occurred but for the actions of Defendant.

9 51. Defendant therefore violated the Consumer Protection Act, RCW Chapter 19.86.

10 **IV. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays:

- 12 1. For Judgment against Defendant for actual damages.
13 2. For statutory damages of \$1,000.00, for FDCPA violations, per Plaintiff and per
14 Defendant.
15 3. For statutory damages of \$2,000.00 per violation, for Washington Collection
16 Agency Act and Consumer Protection Act violations.
17 4. For treble damages, pursuant to RCW 19.86.090, calculated from the damages
18 determined by the court.
19 5. For two times Plaintiff's security deposit, pursuant to RCW 59.18.280.
20 6. For costs and reasonable attorney's fees as determined by the Court pursuant to
21 15 U.S.C. 1692k(a)(3), RCW 19.86.090, and RCW 59.18.280.
22 7. For injunctive relief pursuant to RCW 19.86.090 as described above.
23

1 Respectfully submitted this 13th day of May, 2020.

2
3 **ANDERSON SANTIAGO, PLLC**

4 By: 

5 T. Tyler Santiago, WSBA No. 46004

6 Jason D. Anderson, WSBA No. 38014

7 Attorneys for Plaintiff

8 787 Maynard Ave. S.

9 Seattle, WA 98104

10 (206) 395-2665

11 (206) 395-2719 (fax)

EXHIBIT A

IN THE DISTRICT COURT OF KING COUNTY
IN AND FOR THE STATE OF WASHINGTON

SOUTH DIVISION
BURIEN COURTHOUSE

PORTFOLIO RECOVERY ASSOCIATES, LLC

Plaintiff,

vs.

LEE L WONG

Defendant,

WELLS FARGO BK NA

Garnishee.

NO. 152-12460

APPLICATION FOR WRIT
OF GARNISHMENT

I. APPLICATION

- 1.1 The undersigned is the attorney for the judgment creditor in the above-entitled action and makes this affidavit in support of issuance of a writ of garnishment in the action.
- 1.2 Plaintiff has a judgment wholly or partially unsatisfied, against the defendant, in the court from which the writ is being sought.
- 1.3 The amount alleged to be due is the balance of the judgment or amount of claim, \$6,094.57, plus estimated garnishment costs as indicated in the writ.
- 1.4 Plaintiff has reason to believe, and does believe, that WELLS FARGO BK NA whose residence and/or business location is:
999 3RD AVE
SEATTLE, WA 98104

is:



indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law; or



the garnishee has possession or control of personal property or effects belonging

APPLICATION FOR WRIT OF GARNISHMENT Page 1 of 2

Christopher L. Thompson
PORTFOLIO RECOVERY ASSOCIATES, LLC
10680 Treena St., Ste 500
San Diego, CA 92131
866/428-8102



This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

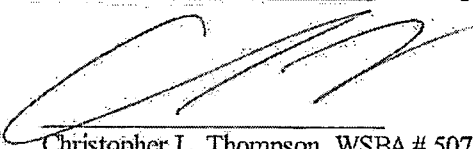
1 to the defendant which are not exempted from garnishment by any state or
2 federal law.

3 1.5 The garnishee ☐ is ☒ is not the employer of the defendant.
4

5 II. CERTIFICATION

6 I CERTIFY under penalty of perjury under the laws of the State of Washington that the
7 foregoing is true and correct.

8 Dated 6-4-19, at Kirkland Washington.
9

10 
11 Christopher L. Thompson, WSBA # 50769
12 Attorney for Plaintiff

13 17-65322
14
15
16
17
18
19
20
21
22
23
24
25

26 APPLICATION FOR WRIT OF GARNISHMENT Page 2 of 2

27 Christopher L. Thompson
28 PORTFOLIO RECOVERY ASSOCIATES, LLC
10680 Trenea St., Ste 500
San Diego, CA 92131
866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

IN THE DISTRICT COURT OF KING COUNTY
IN AND FOR THE STATE OF WASHINGTON

SOUTH DIVISION
BURIEN COURTHOUSE

PORTFOLIO RECOVERY ASSOCIATES, LLC)	
Plaintiff,)	NO. 152-12460
)	
vs.)	WRIT OF GARNISHMENT
)	
LEE L WONG)	
Defendant,)	
)	
WELLS FARGO BK NA)	
Garnishee.)	

This garnishment NOT based on a judgment or court order for child support.

The State of Washington to: LEE L WONG
And to: WELLS FARGO BK NA

The plaintiff in this action has applied for a Writ of Garnishment against you, claiming that the above named defendant is indebted to plaintiff and that the amount to be held to satisfy the indebtedness is \$6,262.57 consisting of:

Balance of Judgment:		<u>\$6,094.57</u>
Interest under Judgment from _____ to _____:		<u>\$0.00</u>
Taxable Costs and Attorneys' Fees:		<u>\$128.00</u>
Estimated Garnishment Costs:		
Filing and Ex Parte Fees:	<u>\$20.00</u>	
Service and Affidavit Fees:	<u>\$0.00</u>	
Postage and Costs of Certified Mail:	<u>\$0.00</u>	
Answer Fee or Fees:	<u>\$20.00</u>	
Garnishment Attorney Fees:	<u>\$0.00</u>	

WRIT OF GARNISHMENT

Page 1 of 4

Christopher L. Thompson
PORTFOLIO RECOVERY ASSOCIATES, LLC
10680 Treena St., Ste 500
San Diego, CA 92131
866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

1	Other:	<u>\$0.00</u>	
2	Total estimated garnishment costs:		<u>\$40.00</u>
3	TOTAL:		<u>\$6,262.57</u>
4	Plus Per Day Rate of Estimated Interest:		<u>\$0.00 Per day</u>

5 YOU ARE COMMANDED, unless otherwise directed by the court, by the attorney of record for the
 6 plaintiff, or by this writ, not to pay any debt, other than earnings, owed to the defendant at the time this
 7 writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal
 8 property or effects of the defendant in your possession or control at the time when this writ was served.
 Any such payment delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim
 and costs for this writ with interest.

9 YOU ARE ALSO COMMANDED to answer this writ according to the instructions in this writ and in the
 10 answer forms and, within 20 days after the service of the writ upon you, to mail or deliver the original of
 such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the
 defendant, at the addresses listed at the bottom of this writ.

11 If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph
 12 of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is changed
 and release all addition funds or property to defendant.

13 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED
 14 AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE
 15 DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR
 16 NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT,
 ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT
 DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION
 OR CONTROL.

17 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES
 18 INCURRED BY THE PLAINTIFF.

26 WRIT OF GARNISHMENT

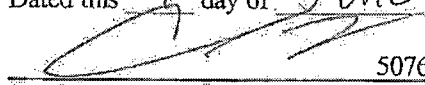
Page 2 of 4

Christopher L. Thompson
 PORTFOLIO RECOVERY ASSOCIATES, LLC
 10680 Treena St., Ste 500
 San Diego, CA 92131
 866/428-8102

28 This communication is from a debt collector and is an attempt to collect a debt.
 Any information obtained will be used for that purpose.

1 This writ is issued by the undersigned attorney of record for plaintiff under the authority of Chapter 6.27
2 RCW, and must be complied with in the same manner as a writ issued by the clerk of the court.

3 Dated this 4 day of June, 2019.

4  50769
5 Attorney for Plaintiff WSBA No.
6 Christopher L. Thompson
7 Portfolio Recovery Associates,
8 LLC
9 10680 Treena St., Ste 500
10 San Diego, CA 92131

8 Defendant Address
9 LEE L WONG
10 11915 ROSEBERG AVE S, APT 301
11 SEATTLE WA 98168-1239

Address of the Clerk of the Court
KING COUNTY DISTRICT COURT
601 SW 149TH STREET
BURIEN, WA 98166

12 17-65322

26 WRIT OF GARNISHMENT

Page 3 of 4

Christopher L. Thompson
PORTFOLIO RECOVERY ASSOCIATES, LLC
10680 Treena St., Ste 500
San Diego, CA 92131
866/428-8102

28 This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

STATEMENT OF PLAINTIFF'S COUNSEL TO BANKING INSTITUTION

Counsel for the plaintiff states that:

1. The defendant's last known residence is:

11915 ROSEBERG AVE S, APT 301

SEATTLE WA 98168-1239

2. The defendant's last known business is:

with address at:

3. The defendant's last known occupation, trade, or profession is:

with address at:

4. The defendant's federal tax identification number is:

539-21-7745

5. The defendant's account number is:

17-65322

WRIT OF GARNISHMENT

Page 4 of 4

Christopher L. Thompson
PORTFOLIO RECOVERY ASSOCIATES, LLC
10680 Treena St., Ste 500
San Diego, CA 92131
866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the Garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the Writ of Garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount is calculated. If the garnishment is for child support, the exempt amount paid to you will be a percent of your disposable earnings, which is 50 percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security, Veteran's Benefits, Unemployment Compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts up to five hundred dollars (\$500) of property of your choice (including up to two hundred dollars (\$200) in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

17-65322

IN THE DISTRICT COURT OF KING COUNTY
IN AND FOR THE STATE OF WASHINGTON

SOUTH DIVISION
BURIEN COURTHOUSE

PORTFOLIO RECOVERY ASSOCIATES, LLC

Plaintiff,

NO. 152-12460

vs.

EXEMPTION CLAIM

LEE L WONG

Defendant,

WELLS FARGO BK NA

Garnishee.

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the Writ of Garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

☐ The account contains payments from:

- ☐ TANF, SSI, or other public assistance. I receive \$_____ monthly.
- ☐ Social Security. I receive \$_____ monthly.
- ☐ Veteran's Benefits. I receive \$_____ monthly.

EXEMPTION CLAIM

Page 1 of 3

Christopher L. Thompson
PORTFOLIO RECOVERY ASSOCIATES, LLC
10680 Treena St., Ste 500
San Diego, CA 92131
866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

Filed Burien Courthouse

JUN 17 2015

IN THE DISTRICT COURT OF KING COUNTY
IN AND FOR THE STATE OF WASHINGTON

SOUTH DIVISION
BURIEN FACILITY

PORTFOLIO RECOVERY ASSOCIATES, LLC,)

Plaintiff,)

vs.)

LEE L WONG,)

Defendant.)

CASE NO. 152-12460

DEFAULT JUDGMENT

SUMMARY OF JUDGMENT

Judgment Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC

Judgment Creditor's Attorney: ROBERT M. DUNPHY

Judgment Debtor: LEE L WONG

Principal Amount: \$6,094.57

Attorney Fees and Costs: \$128.00

Total: \$6,222.57

17-65322

DEFAULT JUDGMENT

Robert M. Dunphy
PORTFOLIO RECOVERY ASSOCIATES, LLC
4330 La Jolla Village Dr., Ste 310, San Diego, CA 92122
Ph. 866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

1 This matter came on before the Court on Plaintiff's motion for entry of a default
2 judgment against defendant LEE L WONG in the amount of \$6,094.57.

3 This court already entered an order of default against the Defendant in this action.

4 The Court considered the pleadings filed in this action, the declaration of plaintiff's
5 counsel, the proof of service on file and the documents contained herein.

6 Based on the argument of counsel, the pleadings, and the evidence presented, the Court
7 finds:

8 The amount of \$6,094.57 that Plaintiff seeks to recover is a sum certain;

9 Defendant LEE L WONG is not in the military service;

10 Defendant LEE L WONG is not an infant or an incompetent person;

11 Defendant LEE L WONG has been declared in default in this matter by previous order
12 of this court.

13 Based on the above findings of fact JUDGMENT IS ORDERED AS FOLLOWS:

14 1. Plaintiff Portfolio Recovery Associates, LLC is awarded judgment against Defendant
15 LEE L WONG in the amount of \$6,094.57.

16 2. Plaintiff is awarded costs in the amount of \$128.00.

17 JUN 18 2015

18 Dated: _____

JUDGE ELIZABETH D STEPHENSON

Judge/ Commissioner

19 Presented By: _____

20 Robert M. Dunphy, WSB# 42894
21 Attorney for Plaintiff

22 17-65322

23
24
25
26 DEFAULT JUDGMENT-2

27 Robert M. Dunphy
28 PORTFOLIO RECOVERY ASSOCIATES, LLC
4330 La Jolla Village Dr., Ste 310, San Diego, CA 92122
Ph. 866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

Filed Burien Courthouse
JUN 17 2015

IN THE DISTRICT COURT OF KING COUNTY
IN AND FOR THE STATE OF WASHINGTON

SOUTH DIVISION
BURIEN FACILITY

PORTFOLIO RECOVERY ASSOCIATES, LLC,)

Plaintiff,)

CASE NO. 152-12460

vs.)

ORDER OF DEFAULT

LEE L WONG,)

Defendant.)

This matter came on before the Court on Plaintiff's motion for an Order of Default against Defendant LEE L WONG on the grounds that Defendant LEE L WONG had not appeared, answered, or otherwise defended in this action.

The Court considered the pleadings filed in this action, the declaration of Plaintiff's attorney and the following evidence: Declaration of Service.

///
///

ORDER OF DEFAULT -1

Robert M. Dunphy
PORTFOLIO RECOVERY ASSOCIATES, LLC
4330 La Jolla Village Dr., Ste 310, San Diego, CA 92122
Ph: 866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

1 Based on the Pleadings, and evidence presented by the Plaintiff's counsel, the Court finds:


- 2 1. Defendant LEE L WONG was properly served with Plaintiff's summons and complaint in
3 this action on April 14, 2015;
- 4 2. Venue is proper in this action under RCW 3.66.040(1);
- 5 3. Defendant LEE L WONG has failed in any way to appear, answer or otherwise defend in this
6 action;
- 7 4. The time for appearing and answering Plaintiff's complaint was 20 days, and more than 20
8 days has passed since service of the summons and complaint on Defendant LEE L WONG.

8 Based on the above findings, it is HEREBY ORDERED:

- 9 1. Plaintiff's motion is granted;
- 10 2. Defendant LEE L WONG is declared to be in default for failing to appear or defend in this
11 action.

12 Dated: JUN 18 2015

13 By: JUDGE ELIZABETH D STEPHENSON
14 Judge/Commissioner

15 Presented By: 
16 Robert M. Dunphy, WSB# 42894
17 Attorney for Plaintiff
18

19 17-65322

20
21
22
23
24
25
26 ORDER OF DEFAULT -2

27 Robert M. Dunphy
28 PORTFOLIO RECOVERY ASSOCIATES, LLC
4330 La Jolla Village Dr., Ste 310, San Diego, CA 92122
Ph: 866/428-8102

This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

EXHIBIT B

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON
SOUTH DIVISION, BURIEN COURTHOUSE**

PORTFOLIO RECOVERY ASSOC LLC

Plaintiff(s),

v.

LEE L WONG

Defendant(s).

No. 152-12460-CVKCD

COMMUNICATION FROM COURT

Check # 409636 for \$20 and Application for Writ of Garnishment are returned to you for these reasons:

1. Current attorney of record is Robert, Dunphy. Please file a notice of appearance for Christopher L. Thompson.
2. All documents are required to be eFiled. Please visit <https://kingcounty.gov/courts/district-court/eFiling.aspx>. Please see the notice, "Attention Civil Filers" attached regarding \$50 fee per document assessed to the attorney as a sanction for paper submissions.

Dated: June 28, 2019

RB

Court Clerk